

Remarks:

Summary of the Office Action

Claims 12-15 and 21-23 are pending.

Of these claims 21-23 have been rejected on formal matters under 35 U.S.C. § 112.

Further, claims 12 and 23 have been rejected under 35 U.S.C. 102(b) as being anticipated by either of Laing U.S. patent No. 164,567 ("Laing") and Fischer U.S. patent No. 3,462,989 ("Fischer").

Claims 13-15 have been rejected under 35 U.S.C. §103(a) as being obvious from Fischer in view of Morello U.S. patent no. 5,359, 871 ("Morello").

In addition the Examiner has raised objections under 35 U.S.C. § 132 to the amendment to the specification filed on October 22, 2003.

Summary of Applicant's Reply

Applicant respectfully submits that the amendment to the specification filed October 22, 2003 does not introduce new matter. In particular, the objected-to sentence "All of the steps A-F . . . to produce a U-section profile" merely summarizes at one place content that is disclosed at other places in the specification and does not constitute new matter.

However in order to expedite prosecution of this application, applicant has deleted the objected-to sentence without any prejudice to the scope of the claims. (See the current

Amendment to the Specification at page 2 of this paper).

Further, applicant has amended claims 12, 13, 21 and 23 for clarity. Applicant respectfully traverses the § 112 rejection and the prior art of rejections.

Prior Art Rejections

Claims 12 and 21-23

Claims 12 and 23 have been rejected as anticipated by either of Laing and Fisher.

Applicant respectfully submits that neither Laing nor Fisher show all of the elements of either claim 12 or 23.

Independent claim 12 concerns a method for making a frame member with two distinct portions having different cross-sectional shapes or profiles (i.e. a portion with a U-shape and portion with a C-shape).

Applicant notes that Laing describes a machine for making eave troughs. Laing's machine includes a round edged roller I and concave edged roller H to form a half round gutter portion (see col. 1 paragraph 5, and Fig. 2), and rollers e e ' which flatten the vertical edges or flanges of the eave trough formed by rollers I and H. (See middle of col. 2, and Figs. 3 and 4). The output of Laing's machine is a eave trough of a single uniform cross-section shape (which is not a U-shaped). Laing does not disclose, teach or suggest making a single frame member with two portions whose cross sectional profiles are different from each others (i.e., a portion with a U-shaped cross-section and a portion with a C-shaped cross section)

Similarly, Fisher only describes a sheet flanging machine for making a flange with a single cross-sectional shape along the entire length of the flange. Fisher's machine has a series of three pairs of rollers 12, 18, 22 that are fixed in position by brackets 8, 17 and 21, respectively. (See e.g., col. 2, and Figs. 1-10). These three rollers have successive contours. (See e.g., col. 1 lines 35-36). One or more of the serial pairs of the rollers are used successively to bend metal to give a single desired cross sectional shape to the flange along its length. Like Laing, Fisher does not

disclose, teach or suggest making a single frame member having two portions, each with a different cross sectional shape.

Accordingly, claim 12 is patentable over these cited references. Further, claims 21-23 which depend on claim 12 also are patentable.

Claims 13-15

Claims 13-15 have been rejected as being obvious from Fisher in view of Morello.

Applicant notes that independent claim 13 (like claim 12) concerns a method for making a frame member with two distinct portions having different cross-sectional shapes or profiles (i.e. a portion with a U-shape and a portion with a C-shape).

As discussed above in the context of claim 12, neither Laing nor Fisher discloses, teaches or suggests making a single frame member having two portions, each with a different cross sectional shape. Applicant, further notes Morello describes a machine for shaping sheet metal into building panels. However, like Laing and Fisher, Morello only concerns shaping a building panel by bending it (the panel) along its length to give the panel a single cross sectional profile along its entire length. (See e.g., Figs. 6a-6h). Morello does not does not disclose, teach or suggest making a single frame member having two portions each with a different cross sectional shape.

Thus neither Laing, Fisher nor Morello, whether taken individually or in combination, disclose, teach or suggest the elements of claim 13. Accordingly claim 13 (and its dependent claims 14 and 15) are patentable over the cited references.

§ 112 rejections

Claim 21

Applicants' inventive method, according to claim 21, includes the further step of swaging to make longitudinal ridges along the base region of the frame channel 5 that are formed in a

metal strip by the method of claim 12. The channels have a U-shaped cross section in one portion of the frame and C-shaped cross section in a second portion of the frame. The longitudinal "swaging" ridges are described in the specification, for example, at page 4 line 33 – page 5 line 7.

The further swaging step of claim 21 can be carried out using the roll forming apparatus of FIG. 5. The apparatus has rollers 42 to form the U-section channel and rollers 45 to form the C-section channel in a strip of metal. The apparatus also has rollers 46 which may be used to form the swaging ridges at the base of the channels formed by either roller 42 or 45. Applicant respectfully submits that the specification describes the operation of the apparatus of FIG. 5 (see e.g., page 7) in sufficient detail for a person of ordinary skill in the art to understand and carry out the swaging step of claim 21.

Applicant respectfully submits that claim 21 as amended is definite and conforms to all requirements of § 112.

Claim 23

Claim 23 has been amended to clarify that the junction area referred to in the claim is intended for the joining of two separate frame members.

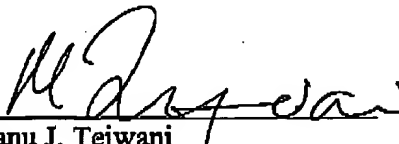
Applicant respectfully submits that claim 23 as amended is now definite and conforms to all requirements of § 112.

Conclusion

For at least the reasons set forth above, applicant requests the rejections of claim 12-15 and 21-23.

be withdrawn. Applicant further respectfully submits that this application is now in condition for allowance. Reconsideration and prompt allowance of which are requested.

Respectfully submitted,


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